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FILED

JUN 12 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**

Name Allara Anthony V.  
(Last) (First) (Initial)

Prisoner Number K60 159

Institutional Address \_\_\_\_\_

**FILED** UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

(Enter the full name of plaintiff in this action)

vs.

**CV 08**

**2943**

**WHA**

Case No. \_\_\_\_\_  
(To be provided by the Clerk of Court)

**COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
Title 42 U.S.C § 1983**

**(PR)**

(Enter the full name of the defendant(s) in this action)

**[All questions on this complaint form must be answered in order for your action to proceed..]**

I. Exhaustion of Administrative Remedies.

**[Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement Salinas Valley S.P.

B. Is there a grievance procedure in this institution?

YES (✓) NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (✓) NO ( )

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

*Handwritten signature*

*CV 08-2943 WHA*

1 1. Informal appeal \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 2. First formal level \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 3. Second formal level \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 4. Third formal level \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 E. Is the last level to which you appealed the highest level of appeal available to

14 you?

15 YES ( ) NO ( )

16 F. If you did not present your claim for review through the grievance procedure,

17 explain why. \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 II. Parties.

21 A. Write your name and your present address. Do the same for additional plaintiffs,

22 if any.

23 Anthony Allara V. K60159

24 Salinas Valley State Prison DMH. A1

25 "PO. Box. 1050" Soledad Calif. 93960

26 B. Write the full name of each defendant, his or her official position, and his or her

27 place of employment.

28 Two COs At Old Folsome Prison Their names ar yet

1 to be pulled from my legal property that is yet  
 2 being held by the property clerk at C.S.P. Sacramento  
 3 1602<sup>d</sup> it several times here with no reply.  
 4

5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each  
 7 defendant is involved and to include dates, when possible. Do not give any legal arguments or  
 8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a  
 9 separate numbered paragraph.

10 On my second day of custody ever at Old Folsome  
 11 I was called to the medical clinic by two California  
 12 Officers who on way to clinic diverted me to a room  
 13 handcuffed then orderd me on my hands & Knees  
 14 then both proceded to Kick my ribs from both sides  
 15 for five minivutes, A brused lung developed from this  
 16 & I had surgery, Ive been denighed 4 Olsen Review 602<sup>s</sup>.  
 17

18 2 midnight cell raids while going to court Sac. County Jail  
 19 2 men held me so another bent my arm back to fracture.  
 20 I told this in open court case # 98F09296 & took the fifth  
 21 amendment due to being denighed a change of venue.  
 22

23 IV. Relief.

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly  
 25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 Need financial restitution for both cases.

27 & I should have a right to a Federal Trial. Due to my -  
 28 - Notice of appeal being two days late from a late

1 issue of Notice of Appeal forms at New Folsome -  
2 - State Prison.

3 4 An Issue of Transcripts Case # 98F09296  
4 # 4A5C14471 "I am an indigent Prisoner."

5 I declare under penalty of perjury that the foregoing is true and correct.

6  
7 Signed this 5 day of June, 20 08

8  
9 *A Allara*

10 (Plaintiff's signature)  
11  
12  
13  
14  
15  
16  
17  
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22  
23  
24  
25  
26  
27  
28

CR-120

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>Anthony Allara K60159</b> <b>Salinas Valley State Prison "Po.Box. 1050"</b> <b>Soledad Calif. 93960</b> TELEPHONE NO.: FAX NO.: ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: Date of birth: <b>8.24.56</b> California Dept. of Corrections No. (if applicable): <b>K60159</b>		
NOTICE OF APPEAL—FELONY (DEFENDANT) (Pen. Code, §§ 1237, 1538.5(m); Cal. Rules of Court, rule 8.304)		CASE NUMBER(S): <b>98F09296</b> <b># 4A5C14471</b>

## NOTICE

- If your appeal challenges the validity of the plea you must complete the *Request for Certificate of Probable Cause* on the other side of this form. (Pen. Code, § 1237.5.)
- You must file this form in the superior court within 60 days after entry of judgment.

1. Defendant (name):  
appeals from the order or judgment entered on (specify date of order, judgment, or sentence): \_\_\_\_\_
2. This appeal follows:
  - a. ☒ A jury or court trial. (Pen. Code, § 1237(a).)
  - b. ☐ A contested violation of probation. (Pen. Code, § 1237(b).)
  - c. ☐ A guilty (or no-contest) plea or an admitted probation violation (check all boxes that apply):
    - (1) ☐ This appeal is based on the sentence or other matters occurring after the plea. (Cal. Rules of Court, rule 8.304.)
    - (2) ☐ This appeal is based on the denial of a motion to suppress evidence under Penal Code section 1538.5.
    - (3) ☐ This appeal challenges the validity of the plea or admission. (You must complete the *Request for Certificate of Probable Cause* on the other side of this form.)
  - d. ☐ Other (specify):
3. ☒ I request that the court appoint an attorney on appeal. Defendant ☐ was ☒ was not represented by an appointed attorney in the superior court.
4. Defendant's address: ☒ same as in attorney box above.  
☐ as follows:

Date: **6.5.08****Anthony Allara**

(TYPE OR PRINT NAME)

**a allara**

(SIGNATURE OF DEFENDANT OR ATTORNEY)

CR-120

PEOPLE OF THE STATE OF CALIFORNIA vs.	CASE NUMBER(S): 4A5C14471
DEFENDANT: Anthony Allara	# 98F09296

## REQUEST FOR CERTIFICATE OF PROBABLE CAUSE

I request a certificate of probable cause. The reasonable constitutional, jurisdictional or other grounds going to the legality of the guilty plea, no contest plea or probation violation admission proceeding are (specify):

I request this Notice of appeal to be filed on grounds of  
 a late issue of Notice of appeal forms to be filed & denighed  
 for being 2 days late from New Folsome Prison year 2000  
 If this is denighed Can I be granted a hearing to explain the above?

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Anthony Allara

(TYPE OR PRINT NAME)

A Allara

(SIGNATURE OF DEFENDANT OR ATTORNEY)

## COURT ORDER

This Request for Certificate of Probable Cause is (check one): ☐ granted ☐ denied.

Date:

A Allara:K60159  
Salinas Valley State Prison DMH A-1  
= P.O.Box. 1050  
Soledad Calif. 93960

Office of the U.S. District Court  
Northern District Of California  
450 Golden Gate Avenue "Box. 3600"  
San Francisco California 94102

**RECEIVED**

JUN 9 2008

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*Red*

Legal  
mail

STATE PRISON  
SAN JUAN DEL RIO